

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LYONS PARTNERSHIP, L.P. AND HIT ENTERTAINMENT, INC.,
GULLANE (DELAWARE) LLC and THOMAS LICENSING, LLC,

Plaintiffs,

v.

07 cv 7112 (RJS)

GREAT AMERICAN MASQUERADE, GAG, GIFT & GADGET
SHOP, INC DBA ABRACADABRA, PAUL BLUM, ALLEN
DALTON PRODUCTIONS, LLC, ALLEN DALTON, CARRIE
FEINER ENTERPRISES, LLC, CARRIE FEINER, CROSS
COUNTY CHILDREN'S ENTERTAINMENT, INC.
D/B/A KID-O-ROBOTICS, BRUCE K. MOGAVERO, AND
VINCENT REVERDY D/B/A CONNECTED EVENT CREATION,

Defendants

DECLARATION OF MATTHEW A. KAPLAN

I, Matthew A. Kaplan, declare as follows:

1. I am an attorney at law, duly admitted to practice before the United States District Court for the Southern District of New York. I am counsel for Plaintiffs Lyons Partnership, L.P., HIT Entertainment, Inc., Gullane (Delaware) LLC and Thomas Licensing, LLC ("Plaintiffs") in the above-captioned action against Defendants Cross County Children's Entertainment, Inc. and Bruce K. Mogavero (collectively, the "Cross County Defendants"). Except as otherwise stated to the contrary, I have personal knowledge of the following facts and, if called as a witness, I could and would competently testify thereto.

2. I am informed and believe that, pursuant to Rule 4 of the Federal Rules of Civil Procedure, copies of the Summons and Complaint herein were personally served upon Defendant Cross County Children's Entertainment, Inc. on September 6, 2007 by serving Tanya

“Doe”, a person of suitable age and discretion, at 6 Upper Mall Walk, Yonkers, New York 10704.

3. I further am informed and believe that, pursuant to Rule 4 of the Federal Rules of Civil Procedure, copies of the Summons and Complaint herein were served upon Defendant Bruce K. Mogavero via substituted service by serving Tanya “Doe”, a person of suitable age and discretion at Defendant Mogavero’s actual place of business on September 6, 2007, and by mailing a copy of the Summons and Complaint to Defendant Bruce K. Mogavero at his actual place of business on September 7, 2007. Copies of the filed Affidavits of Service upon Defendants are attached hereto as Exhibits A & B, respectively.

4. Following service of the Summons and Complaint, Plaintiffs and the Cross County Defendants entered into a stipulation extending the time for the Cross County Defendants to answer until October 19, 2007. The Cross County Defendants waived any objection on the grounds of improper service. A copy of this stipulation, “So Ordered” by the Court is attached hereto as Exhibit C.

5. Plaintiffs and the Cross County Defendants entered into a stipulation further extending the time for the Cross County Defendants to answer until November 2, 2007. A copy of this stipulation, “So Ordered” by the Court is attached hereto as Exhibit D.

6. No further stipulations extending the time to answer were entered into or filed by the parties.

7. Neither Defendant Cross County Children’s Entertainment, Inc. nor Defendant Bruce K. Mogavero answered or otherwise responded to the Complaint.

8. The time within which the above defendants could plead or otherwise defend this action has expired.

9. None of the defendants is an infant, incompetent, or, to Plaintiffs' knowledge, in the military service of the United States.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

Dated: New York, New York
March 19, 2008

A handwritten signature in black ink, appearing to read 'Matthew A. Kaplan', written over a horizontal line.

MATTHEW A. KAPLAN